

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-6299-2023

Date of Decision: 11.05.2023

Rahul Kumar

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Ms. Kiran Bala Jain, Advocate for the petitioner.

Mr. Munish Sharma, DAG, Haryana.

Mr. Saurabh Goel, Central Government Counsel
for the respondent No. 2-NCB.

ASHOK KUMAR VERMA, J. (ORAL)

1. Custody certificate dated 10.05.2023 filed by learned counsel for the State is taken on record.
2. The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case Crime No. 17 dated 28.02.2022 registered under Section 20/29/60 of the NDPS Act at Police Station NCB, Chandigarh.
3. As per prosecution story, on 28.02.2022, the petitioner along with his co-accused, namely, Manish Kumar, was apprehended and 1 kg 250 grams of 'Charas' was recovered from the door panel of the driver side of the car bearing registration No. HP-25-A-4588 (registered in the name of brother of the petitioner) being driven by the petitioner at the relevant time.

4. Learned counsel, *inter alia*, contends that the petitioner has falsely been implicated in the present case. Petitioner was only the driver of the vehicle whereas co-accused had hired the car for going to his village along with his family in order to meet his in-laws and he has no knowledge about the concealment of alleged contraband in the car. She further submits that the petitioner is not involved in any other case under the NDPS Act. The petitioner is in custody since 28.02.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail. In support of her contentions, learned counsel has relied upon judgments in **(i) SLP (Crl) No. 3813-2020, Amit Singh Moni vs. State of Himachal Pradesh, decided on 12.10.2020; (ii) CRM-M-24377-2022, Ravinder Singh @ Mitha vs. State of Punjab, decided on 31.08.2022 and (iii) Vipin Sood vs. State of Punjab and another, CRM-M-20177-2020, decided on 25.02.2021.**

5. On the other hand, learned counsel for the State as well as learned counsel for respondent No. 2-NCB, vehemently opposed the present petition. However, they fairly conceded the fact that petitioner is not involved in any other case under the NDPS Act.

6. Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that conclusion of trial will take sufficient long time and also the fact that petitioner is not involved in any other case under the NDPS Act, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

7. Therefore, the petition is allowed and petitioner-Rahul

Kumar, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

8. However, the State/respondent No. 2-NCB will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act, during the period of bail.

11.05.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No